

ORDINANCE NO. 2016-15

**AN ORDINANCE AMENDING CHAPTER 14, AS IT RELATES TO THE PEDDLER AND SOLICITOR
LICENSING**

The City Council of the City of Bloomington hereby ordains: That Chapter 14, Division E and Division R, of the City Code is hereby amended by deleting those words that are in ~~[strikethrough]~~ font and adding those words that are underlined, to read as follows:

DIVISION E: HAWKERS, PEDDLERS AND TRANSIENT MERCHANTS

* * *

§ 14.183 EXCEPTIONS.

(a) *Farm and garden products.* Pursuant to M.S. § 329.14, as it may be amended from time to time, licensing fees associated with this Division E shall not apply to persons who may sell or peddle the products of the farm or garden occupied and cultivated by themselves. Restrictions listed in § 14.188 (a) of the city code shall apply to person who may sell or peddle the products of the farm or garden occupied and cultivated by themselves.

(b) *Exempt organizations.* Individuals engaging in hawking, peddling or engaging in transient sales of goods, wares and merchandise on behalf of an exempt organization as defined in this Division E shall not be required to be licensed pursuant to this Division E but must have on them at all times while engaged in these activities some form of exempt organization identification as defined in this Division E. ~~[The burden of proving the person's exemption from licensing shall be on its claimant. The exemption from licensing does not include individuals who are paid to engage in regulated activity.]~~

* * *

§ 14.187 PERSONS INELIGIBLE FOR LICENSE.

(a) *Transient merchant license.* No transient merchant license shall be granted if the individual applicant, or in the case of an applicant that is a partnership, corporation or association, if the person most directly involved in the sale:

(1) Is not a citizen of the United States or a resident alien or does not have legal authority to work in the United States;

~~[(2) Is not of good moral character and repute;]~~

(2) ~~[(3)]~~ Is under the age of 18 at the time the application is submitted to the issuing authority ;

(3) ~~[(4)]~~ Is not the real party in interest in the business or occupation to be licensed;

(4) ~~[(5)]~~ Has been convicted of a crime that directly relates to the occupation herein licensed, as defined by M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the occupation to which this license applies, as defined by M.S. § 364.03, subd. 3, as it may be amended from time to time;

(5) ~~[(6)]~~ Has been the subject of an investigation by a consumer protection agency or State Attorney General's office and such investigation has indicated a pattern of disregard of consumer rights in the conduct of the business;

(6) ~~[(7)]~~ Has had a registration, license and/or identification card for transient merchant revoked by the city or any other governmental body within three years before the application date;

(7) ~~[(8)]~~ Has been denied a registration or license for transient merchant by the city or any other governmental body because of circumstances which occurred within three years before the application date;

(8) ~~[(9)]~~ Has violated, or is affiliated with a firm that has violated any provision of this Division E within three years before the application date, or has violated any provision of this Division E during the application period pending issuance of the registration;

(9) ~~[(10)]~~ Has knowingly falsified or misrepresented information on the license application; or

(10) [(44)] Owes taxes or assessments to the state, county, school district or city that are due and delinquent.

(b) *Hawker or peddler license.* No hawker or peddler license shall be granted if the applicant:

(1) Is not a citizen of the United States or a resident alien or does not have legal authority to work in the United States;

~~[(2) Is not of good moral character and repute;]~~

(2) [(3)] Is not legally allowed to work under federal or state child labor laws;

(3) [(4)] Is not the real party in interest in the business or occupation to be licensed;

(4) [(5)] Has been convicted of a crime that directly relates to the occupation herein licensed, as defined by M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the occupation to which this license applies, as defined by M.S. § 364.03, subd. 3, as it may be amended from time to time;

(5) [(6)] Has been the subject of an investigation by a consumer protection agency or State Attorney General's office and such investigation has indicated a pattern of disregard of consumer rights in the conduct of the business;

(6) [(7)] Has had a registration, license and/or identification card for hawker or peddler revoked by the city or any other governmental body within three years before the application date;

(7) [(8)] Has been denied a registration or license for hawker or peddler by the city or any other governmental body because of circumstances which occurred within three years before the application date;

(8) [(9)] Has violated, or is affiliated with a firm that has violated any provision of this Division E within three years before the application date, or has violated any provision of this Division E during the application period pending issuance of the registration;

(9) [(10)] Has knowingly falsified or misrepresented information on the license application; or

(10) [(44)] Owes taxes or assessments to the state, county, school district or city that are due and delinquent.

* * *

§ 14.188 RESTRICTIONS ON HAWKING, PEDDLING AND TRANSIENT SALES.

* * *

(b) *Hawker or peddler restrictions.*

(1) *License card required.* No person shall conduct peddling within the city unless the person is carrying a valid city license card identifying the person.

(2) *Transfer of license prohibited.* No person shall transfer his or her license card to another individual.

(3) *Effect of license card.* No person shall use a license card issued to someone other than that individual.

(4) *Use of license card by another.* The license card shall be displayed only while conducting peddling within the city and shall be used for no other purpose and in no other location.

(5) *No trespassing.* No peddler or hawker shall go onto private property for the purpose of peddling when there are signs prominently posted indicating that trespassing is prohibited or when there are placards prohibiting solicitors in compliance with this chapter.

(6) *Traffic hazards.* No peddler or hawker shall be on a street, highway or adjacent boulevard and solicit the occupants of any motor vehicle in transit.

(7) *Health and safety hazards.* No peddler or hawker shall peddle in a manner that creates a health or safety hazard.

(8) *Consumer protection.* No peddler or hawker shall make untrue statements to the people contacted regarding the goods and services offered.

(9) *License not an endorsement.* A licensed peddler or hawker shall not make statements to individuals he or she contacts indicating or implying that the city license card constitutes an endorsement of their activities or products by the city.

(10) *Hours of operation.* No peddler or hawker shall peddle between the hours of 9:00~~[8:00]~~ p.m. and 9:00 a.m.

DIVISION R: SOLICITORS

* * *

§ 14.363 RESTRICTIONS ON SOLICITATION.

* * *

(j) *Hours of solicitation.* No solicitor or canvasser shall engage in the regulated activity at any residential dwelling unit between the hours of 9:00~~[8:00]~~ p.m. and 9:00 a.m.

* * *

Passed and adopted this 1st day of August, 2016.



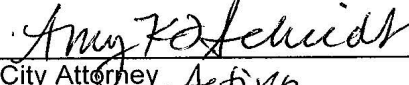
Mayor

ATTEST:



Secretary to the Council

APPROVED:



City Attorney, Acting